

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 40, “Boating Speed and Distance Zoning,” Iowa Administrative Code.

The proposed amendments replace the use of no-wake zones with defined speed restrictions of five miles per hour for the listed areas.

Any interested person may make written suggestions or comments on the proposed amendments on or before May 25, 2010. Such written materials should be directed to Steve Derman, Department of Natural Resources, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-6794; or E-mail steve.derman@dnr.iowa.gov. Persons who wish to convey their views orally should contact the Law Enforcement Bureau at (515)281-4515.

Also, there will be a public hearing on May 25, 2010, at 1 p.m. in the Fifth Floor East Conference Room, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa. At the public hearing, persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special needs, such as those related to hearing or mobility impairments, should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code chapter 462A.

The following amendments are proposed.

ITEM 1. Amend rule 571—40.9(462A) as follows:

571—40.9(462A) Lake Odessa in Louisa County.

40.9(1) Areas may be designated restricted speed areas.

40.9(2) All motorboats, except authorized emergency vessels, shall be operated at ~~no-wake speed~~ a speed not greater than 5 miles per hour year around, on that portion of Lake Odessa known as the Sand Run Chute, lying south of the main lake to a point 100 yards south of the Sand Run Chute boat ramp.

40.9(3) All motorboats, except authorized emergency vessels, shall be operated at ~~no-wake speed~~ a speed not greater than 5 miles per hour year around, on those portions of Lake Odessa known as the lateral ditch, between the main lake and Bebee Pond, and on the channel between Yankee Chute and Beaver Pond.

ITEM 2. Amend rule 571—40.12(462A) as follows:

571—40.12(462A) Swan Slough, Camanche, Iowa. A restricted speed zone of not greater than 5 miles per hour is hereby established in all or part of the main channel of Swan Slough (Mississippi River mile 510.2 to 511.3), Camanche, Iowa, as designated by buoys.

ITEM 3. Amend rule 571—40.13(462A), introductory paragraph, as follows:

571—40.13(462A) Massey Slough. ~~Operation~~ The operation of vessels in Massey Slough of the Mississippi River at Massey Station, Dubuque County, Iowa, extending from a northerly to southerly direction from the upper end to the lower end of the slough, encompassing the water in Section 14, Township 88N, Range 3E of the 5th P.M., tract number NFIA-26M-, is restricted as follows:

ITEM 4. Amend subrule 40.14(2) as follows:

40.14(2) All vessels, except authorized emergency vessels, shall be operated at a ~~no-wake~~ speed not greater than 5 miles per hour when within 600 feet of the Franklin Street bridge. This 600-foot zone shall be designated by buoys, signs, or other approved uniform waterway marking devices.

ITEM 5. Amend rule 571—40.15(462A), introductory paragraph, as follows:

571—40.15(462A) Mitchell County waters. Operation of vessels in Mitchell County is restricted to speeds not greater than 5 miles per hour where a speed zone is designated by buoys on the following impounded waters:

ITEM 6. Amend rule 571—40.17(462A), introductory paragraph, as follows:

571—40.17(462A) Zoning of off-channel waters of the Wapsipinicon River in Pinicon Ridge Park in Linn County. No motorboat shall be operated at a speed ~~which will create a wake~~ greater than 5 miles per hour within the zoned area designated by regulatory buoys or signs on the off-channel waters of the Wapsipinicon River above the dam at Central City, Linn County, Iowa.

ITEM 7. Amend rule 571—40.19(462A), introductory paragraph, as follows:

571—40.19(462A) Zoning of Little Wall Lake. No motorboat shall be operated at a speed ~~which will create a wake~~ greater than 5 miles per hour within the zoned area designated by regulatory buoys on Little Wall Lake in Hamilton County.

ITEM 8. Amend subrule 40.20(1) as follows:

40.20(1) All vessels shall be operated at a ~~no-wake~~ speed not greater than 5 miles per hour when within 50 feet of another vessel which is not underway or is operating at a no-wake speed.

ITEM 9. Amend rule 571—40.22(462A) as follows:

571—40.22(462A) Upper Gar Lake, Dickinson County. Operation of vessels on Upper Gar Lake ~~(5 mile-per-hour zone)~~ is restricted to a speed not greater than 5 miles per hour between the Henshaw Bridge at the north end of Upper Gar and south end of East Lake and the Old Sawmill Bridge at the south end of Upper Gar and the north end of Minnewashta).

ITEM 10. Amend rule 571—40.23(462A) as follows:

571—40.23(462A) Zoning of the Mississippi River, Guttenberg river mile 616, Clayton County.

40.23(1) All vessels operated between the ice dike and Bussey Lake access shall be operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

40.23(2) The city will designate the ~~no-wake~~ 5-mile-per-hour speed zone with buoys approved by the natural resource commission.

ITEM 11. Amend rule 571—40.24(462A) as follows:

571—40.24(462A) Mt. Ayr City Lake (Loch Ayr). A motorboat shall not be operated within 100 feet of shore at a speed ~~greater than ten miles per hour~~ greater than 5 miles per hour.

ITEM 12. Amend subrule 40.26(2) as follows:

40.26(2) A restricted speed zone ~~(five of no more than 5 miles per hour/no-wake)~~ is established in the vicinity of Chaplain Schmitt Memorial Island in proximity to the Schmitt Island municipal launching ramp and in waters adjacent to the southerly shoreline in the area of the Dubuque Yacht Basin.

ITEM 13. Amend subrules 40.27(1) and 40.27(2) as follows:

40.27(1) All vessels operated in Harpers Slough between a point 200 feet above the state ramp and 200 feet out from the west shore extending downstream to a point known as Sandy Point Road Dead-End, shall operate at a ~~no-wake~~ speed not greater than 5 miles per hour.

40.27(2) The city of Harpers Ferry will designate the ~~no-wake~~ 5-mile-per-hour speed zone with buoys approved by the natural resource commission.

ITEM 14. Amend subrule 40.28(1) as follows:

40.28(1) No motorboat shall ~~operate~~ be operated at a speed ~~which will create a wake~~ greater than 5 miles per hour within the zoned area marked by the regulatory buoys. The zoned area shall be the area commonly known as Town Bay on the northwest corner of Black Hawk Lake in Sac County.

ITEM 15. Amend rule 571—40.29(462A), introductory paragraph, as follows:

571—40.29(462A) Speed and other restrictions on Brown’s Lake, Woodbury County. All vessels shall be operated at a ~~no-wake~~ speed not greater than 5 miles per hour within the two zoned areas designated by regulatory buoys or other approved uniform waterway markers.

ITEM 16. Amend rule 571—40.30(462A), introductory paragraph, as follows:

571—40.30(462A) Speed and other restrictions on Snyder Bend Lake, Woodbury County. All vessels shall be operated at a ~~no-wake~~ speed not greater than 5 miles per hour within the zoned area 400 yards from the boat ramp south to the regulatory sign and buoys.

ITEM 17. Amend rule 571—40.31(462A), introductory paragraph, as follows:

571—40.31(462A) Speed restrictions on East Okoboji and West Okoboji Lakes in Dickinson County. No motorboat shall be operated at a speed ~~which will create a wake~~ greater than 5 miles per hour within the three zoned areas designated by regulatory buoys on East Okoboji and West Okoboji Lakes in Dickinson County.

ITEM 18. Amend rule 571—40.36(462A) as follows:

571—40.36(462A) Zoning of the Iowa River, Iowa Falls, Hardin County.

40.36(1) All vessels operated in a designated zone between the River Street Bridge and the dock at Dougan’s Landing shall be operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

40.36(2) The city of Iowa Falls shall designate and maintain the ~~no-wake~~ 5-mile-per-hour speed zone with marker buoys approved by the natural resource commission.

ITEM 19. Amend rule 571—40.37(462A) as follows:

571—40.37(462A) Zoning of Crystal Lake. No motorboat shall be operated at a speed ~~which will create a wake~~ greater than 5 miles per hour within the 25-acre zoned area designated by regulatory buoys on Crystal Lake in Hancock County.

ITEM 20. Amend subrule 40.42(1) as follows:

40.42(1) All vessels shall be operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

ITEM 21. Amend rule 571—40.43(462A) as follows:

571—40.43(462A) Zoning of the Mississippi River, Bellevue, Jackson County.

40.43(1) All vessels shall be operated at a ~~no-wake~~ speed not greater than 5 miles per hour within the area designated by buoys or other approved uniform waterway markers beginning at the mouth of Mill Creek and extending upstream 900 feet, and extending 200 feet perpendicular from shore. The area shall be designated by a minimum of four approved buoys to be uniformly placed along the 900-foot length of the zone parallel to the shore.

40.43(2) The city of Bellevue will designate the ~~no-wake~~ 5-mile-per-hour speed zone with buoys approved by the natural resource commission.

ITEM 22. Amend subrule 40.44(1) as follows:

40.44(1) All vessels shall be operated at a ~~no-wake~~ speed not greater than 5 miles per hour when within 50 feet of another vessel which is not underway or is operating at a ~~no-wake~~ speed not greater than 5 miles per hour.

ITEM 23. Amend paragraph **40.44(2)“b”** as follows:

b. No motorboats, except authorized emergency vessels, shall be operated in marked bay areas at a speed greater than the limit designated by buoys or signs marking said bay. No motorboats, except authorized emergency vessels, shall be operated other than at a ~~no-wake~~ speed not greater than 5 miles per hour above a line of buoys placed across the lake at the point where County Road H33 intersects the lake. All buoys or signs shall be in accordance with 571—Chapter 41.

ITEM 24. Amend subrules 40.45(1) and 40.45(2) as follows:

40.45(1) *Nashua, Chickasaw County.* All vessels operated in a designated zone extending east 150 feet from the intersection of Wabash Street and Charles City Road and north 380 feet shall be operated at a ~~no-wake~~ speed not greater than 5 miles per hour. The city of Nashua shall designate and maintain the ~~no-wake 5-mile-per-hour speed~~ zone with marker buoys approved by the natural resource commission.

40.45(2) *Nashua, Chickasaw County.* All vessels operated in a designated zone extending north 131 feet from the intersection of Wabash Street and the north entrance to Cedar View Circle and east 80 feet and west 80 feet from this point along the shoreline and extending 110 feet north into the lake shall be operated at a ~~no-wake~~ speed not greater than 5 miles per hour. The city of Nashua shall designate and maintain the ~~no-wake 5-mile-per-hour speed~~ zone with marker buoys approved by the natural resource commission.

ITEM 25. Amend rule 571—40.46(462A) as follows:

571—40.46(462A) Zoning of Carter Lake, Pottawattamie County.

40.46(1) All vessels operated in a designated zone known as Shoal Pointe Canal shall be operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

40.46(2) The city of Carter Lake shall designate and maintain the ~~no-wake 5-mile-per-hour speed~~ zone with marker buoys approved by the natural resource commission.

ITEM 26. Amend rule 571—40.47(462A) as follows:

571—40.47(462A) Zoning of the Mississippi River, McGregor, Clayton County.

40.47(1) All vessels, except commercial barge traffic, shall be operated at a ~~no-wake~~ speed not greater than 5 miles per hour within the area of river mile markers 634 and 633.4 and designated by buoys or other approved uniform waterway markers.

40.47(2) The city of McGregor will designate the ~~no-wake 5-mile-per-hour speed~~ zone with buoys approved by the natural resource commission.

ITEM 27. Amend rule 571—40.48(462A) as follows:

571—40.48(462A) Zoning of the Mississippi River, Marquette, Clayton County.

40.48(1) All vessels, except commercial barge traffic, shall be operated at a ~~no-wake~~ speed not greater than 5 miles per hour within the area of river mile markers 634.5 and 634.9 and designated by buoys or other approved uniform waterway markers.

40.48(2) The city of Marquette will designate and maintain the ~~no-wake 5-mile-per-hour speed~~ zone with buoys approved by the natural resource commission.

ITEM 28. Amend rule 571—40.49(462A) as follows:

571—40.49(462A) Zoning of Green Island, Jackson County. All motorboats except authorized emergency vessels shall ~~operate~~ be operated at a ~~no-wake~~ speed no greater than 5 miles per hour year around on boat channels adjacent to the interior channel 4 levee at the Green Island State Wildlife area. Both channels begin at the Green Island county road parking lot and proceed north 7920 feet along each side of the channel 4 levee to an intersection with the Snag Slough complex.

ITEM 29. Amend rule 571—40.51(462A) as follows:

571—40.51(462A) Little River Lake, Decatur County. Motorboats of outboard or inboard-outdrive type shall be permitted on Little River Lake. Vessels operating within a designated area beginning at the dam and extending north approximately to the mouth of “Bait Shop Bay” ~~may operate~~ shall be operated at ~~speeds greater than no-wake~~ a speed no greater than 5 miles per hour. The Decatur County conservation board shall designate the speed zone with marker buoys approved by the natural resource commission.

ITEM 30. Amend rule 571—40.52(462A) as follows:

571—40.52(462A) Zoning of the Mississippi River, Johnson Slough, Clayton County. All vessels shall be operated at a ~~no-wake~~ speed not greater than 5 miles per hour within the area of river mile markers 627 and 629.8, in a backwater known as Johnson Slough and designated by marker buoys approved by the natural resource commission.

ITEM 31. Amend rule 571—40.53(462A) as follows:

571—40.53(462A) Zoning of the Mississippi River, Mud Lake, Dubuque County. All vessels shall be operated at a ~~no-wake~~ speed not greater than 5 miles per hour within the area of river mile markers 587.6 to 589.3, in a backwater known as Mud Lake and designated by marker buoys approved by the natural resource commission.

ITEM 32. Amend subrule 40.55(2) as follows:

40.55(2) Areas within close proximity of dredging operations may be designated ~~restricted-speed areas~~ as areas where the speed of vessels is restricted to not greater than 5 miles per hour.

ITEM 33. Amend rule 571—40.57(462A) as follows:

571—40.57(462A) Zoning of Catfish Creek, Mines of Spain State Recreation Area, Dubuque County. All vessels shall be operated at ~~no-wake~~ a speed not greater than 5 miles per hour within the area beginning at the mouth of Catfish Creek and extending upstream to the confluence of Catfish Creek and Granger Creek and designated by uniform marker buoys approved by the natural resource commission.

ITEM 34. Amend rule 571—40.58(462A) as follows:

571—40.58(462A) Zoning of Lake Cornelia, Wright County. All vessels shall be operated at a ~~no-wake~~ speed not greater than 5 miles per hour in the boat harbor and at the boat harbor entrance within the zoned area extending 300 feet from two points on shore and 100 feet in width, equidistant from either side of the harbor entrance. The Wright County conservation board shall designate the boat harbor entrance and the public swimming area with uniform marker buoys approved by the natural resource commission.

ITEM 35. Adopt the following new rule 571—40.59(462A):

571—40.59(462A) Zoning of lakes in Dickinson County. All vessels shall be operated at a speed not greater than 5 miles per hour within 300 feet of shore on all lakes in Dickinson County.